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# UTILITY PATENT APPLICATION TRANSMITTAL

*(only for new nonprovisional applications under 37 CFR 1.53(b))*

## APPLICATION ELEMENTS

*See MPEP chapter 600 concerning utility patent application contents.*

- |   |   |
|---|---|
| <p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)<br/><i>(Submit an original, and a duplicate for fee processing)</i></p> <p>2. <input type="checkbox"/> Applicant claims small entity status.<br/>See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages <u>71</u>]<br/><i>(preferred arrangement set forth below)</i> <ul style="list-style-type: none"> <li>- Descriptive title of the Invention</li> <li>- Cross Reference to Related Applications</li> <li>- Statement Regarding Fed sponsored R &amp; D</li> <li>- Reference to sequence listing, a table, or a computer program listing appendix</li> <li>- Background of the Invention</li> <li>- Brief Summary of the Invention</li> <li>- Brief Description of the Drawings (<i>if filed</i>)</li> <li>- Detailed Description</li> <li>- Claim(s)</li> <li>- Abstract of the Disclosure</li> </ul> </p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <u>4</u>]</p> <p>5. Oath or Declaration [Total Pages <u>2</u>]       <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Newly executed (original or copy)</li> <li>b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))<br/><i>(for continuation/divisional with Box 18 completed)</i> <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b><br/>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</li> </ul> </li> </ul> </p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76.</p> | <p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program<br/><i>(Appendix)</i></p> <p>8. Nucleotide and/or Amino Acid Sequence Submission<br/><i>(if applicable, all necessary)</i> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Computer Readable Form (CRF)</li> <li>b. Specification Sequence Listing on:           <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</li> <li>ii. <input checked="" type="checkbox"/> paper</li> </ul> </li> <li>c. <input checked="" type="checkbox"/> Statements verifying identity of above copies</li> </ul> </p> |
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## ACCOMPANYING APPLICATION PARTS

- |   |
|---|
| <p>9. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p> <p>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney<br/><i>(when there is an assignee)</i></p> <p>11. <input type="checkbox"/> English Translation Document (<i>if applicable</i>)</p> <p>12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Two (2) Return Receipt Postcard (MPEP 503)<br/><i>(Should be specifically itemized)</i></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br/><i>(if foreign priority is claimed)</i></p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</p> <p>17. <input checked="" type="checkbox"/> Other: <u>Authorization under 37 C.F.R. § 1.136(a)(3)</u><br/> <input checked="" type="checkbox"/> Other: <u>The name of the assignee is: Human Genome Sciences, Inc.</u><br/> <input checked="" type="checkbox"/> Other: <u>Request to Open New Disk File</u></p> |
|---|

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-Part (CIP)  
Prior application information: Examiner Romeo, D. of prior application No: 09/712,142  
Art Unit: 1647

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

Customer Number **28730**

or  Correspondence address below

<i>NAME</i>	STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.		
Attorneys at Law			
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<i>CITY</i>	<i>STATE</i>	<i>ZIP CODE</i>	
<i>COUNTRY</i>	<i>TELEPHONE</i>	<i>FAX</i>	

<i>NAME (Print/Type)</i>	Karen R. Markowicz	<i>Registration No. (Attorney/Agent)</i>	36,351
<i>SIGNATURE</i>	<u>Karen R. Markowicz</u>		
	Date <u>11/26/03</u>		

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. SKGF\_DC1:203465.1

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

112603  
USPTO  
1072539

13281

**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT (\$)** **1,082.00**

**Complete if Known**

<b>Application Number</b>	<b>To be assigned</b> (Continuation of 09/712,142; Filed: November 15, 2000)
<b>Filing Date</b>	<b>November 26, 2003</b>
<b>First Named Inventor</b>	<b>Ebn r et al.</b>
<b>Examiner Name</b>	<b>To be assigned</b>
<b>Art Unit</b>	<b>T b assigned</b>
<b>Attorney Docket No.</b>	<b>1488.0630003/EKS/KRM</b>

**METHOD OF PAYMENT (check all that apply)**

Check  Credit card  Money Order  Other\*\*  None  
\*\* Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

Deposit Account  
Deposit Account Number 19-0036

Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

**The Commissioner is authorized to: (check all that apply)**

- Charge fee(s) indicated below  Credit any over payments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

**Large Entity** **Small Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1502	50	2052	25	Surcharge-late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** \_\_\_\_\_

\*\* or number previously paid, if greater; For Reissue, see above

**SUBMITTED BY**

**Complete (if applicable)**

Name (Print/Type)	Karen R. Markowicz	Registration No. (Attorney/Agent)	36,351	Telephone	202-371-2600
Signature	Karen R. Markowicz		Date	11/26/03	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2. #203452v1<SKGF\_DC1>-Continuation\_feesht.wpd



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ebner *et al.*

Appl. No. To be assigned

(Continuation of 09/712,142; Filed: November 15, 2000)

Filed: November 26, 2003

For: **Connective Tissue Growth Factor-3**

Confirmation No. To be assigned

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 1488.0630003/EKS/KRM

**Authorization To Treat A Reply As Incorporating An Extension Of Time Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

*Karen R. Markowicz*  
Karen R. Markowicz  
Agent for Applicants  
Registration No. 36,351

Date: 11/26/03  
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\*Admitted only in Virginia

\*Practice Limited to  
Federal Agencies

November 26, 2003

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Mail Stop Patent Application**

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)  
(Continuation of 09/712,142; Filed: November 15, 2000)  
Appl. No. To be assigned; Filed: November 26, 2003  
For: **Connective Tissue Growth Factor-3**  
Inventors: Ebner *et al.*  
Our Ref: 1488.0630003/EKS/KRM

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. PTO Fee Transmittal (Form PTO/SB/17);
2. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3);
3. An Application Data Sheet (37 C.F.R. § 1.76);
4. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
5. U.S. Utility Patent Application entitled:

**Connective Tissue Growth Factor-3**

and naming as inventors:

**REINHARD EBNER  
ARVIND CHOPRA  
STEVEN RUBEN**

the application consisting of:

Commissioner for Patents  
November 26, 2003  
Page 2

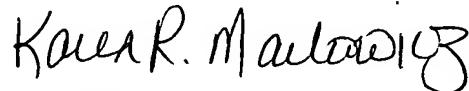
- a. A copy of the executed Declaration, as originally filed in U.S. Appl. No. 08/966,020;
  - b. A specification containing:
    - i. 64 pages of description prior to the claims;
    - ii. 6 pages of claims (23 claims); and
    - iii. a one (1) page abstract;
  - c. 4 sheets of drawings: (Figs. 1A, 1B, 2, and 3);
6. Request to Open New Disk File;
7. 11 pages of a paper copy of a sequence listing;
8. Two (2) return postcards; and
9. Form PTO-2038 Credit Card Payment Form in the amount of **\$1,082.00** to cover:  
\$770.00 - Filing fee for patent application; and  
\$312.00 - Fee for excess claims.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Karen R. Markowicz  
Agent for Applicants  
Registration No. 36,351

KRM/pcd  
Encls.

::ODMA\HODMA\SKGF\_DC1;203443;1